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JUNG-CHUN TSENG
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COPY MAILED

OCT 10 2008

OFFICE OF PETITIONS

In re Application of	:	
Jung-Chun Tseng	:	
Application No. 10/042,328	:	ON PETITION
Filed: January 11, 2002	:	
Title: Transmission for a Swing	:	
Exerciser	:	

This is a decision on renewed petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed September 22, 2008.

The petition under 37 CFR 1.181 is GRANTED.

The above-identified application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance, mailed July 1, 2003. This Notice set a statutory period for reply of three months. No issue fee having been received, the application became abandoned on October 2, 2003. A Notice of Abandonment was mailed on November 12, 2003. Applicant filed a petition under 37 CFR 1.181 on April 9, 2007, asserting that he never received the Notice of Allowance. The petition was dismissed as untimely in a decision mailed on July 22, 2008. The decision noted that the petition was not filed within two months of the Notice of Abandonment, and requested that petitioner account for the delay in filing the petition.

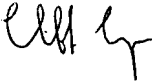
With the instant petition, petitioner has asserted that he also did not receive the Notice of Abandonment.

Based on the docket reports submitted with the original petition and the renewed petition, together with petitioner's assertion that he did not receive the Notice of Abandonment, it is concluded petitioner has demonstrated that he did not receive the Notice of Allowance mailed July 1, 2003.

In view thereof, the holding of abandonment is WITHDRAWN.

The application is being forwarded to Group Art Unit 3764 for re-mailing of the July 1, 2003 Notice of Allowance and Notice of Allowability, setting a new period for reply.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions